

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD
ON WEDNESDAY, JUNE 16, 2021 AT 5:30 P.M. IN THE CITY OF LAS VEGAS
COUNCIL CHAMBERS**

MAYOR: Louie A. Trujillo

COUNCILORS: Michael Montoya
David Ulibarri
Elaine Rodriquez
David Romero

ALSO PRESENT: William Taylor, City Manager
Casandra Fresquez, City Clerk
Scott Aaron, City Attorney
Adrian Crespín, Sergeant at Arms

CALL TO ORDER

Meeting was called to order at 5:30 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Trujillo asked for a moment of silence to remember the passing of former Councilman, Carlos Gallegos and asked for blessings for the family and also to remember the family of a good friend, Benito "Benzo" Martinez who had also recently passed away.

APPROVAL OF AGENDA

Councilor Romero made a motion to approve the agenda as presented. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael Montoya	Yes	Elaine Rodriquez	Yes
David Romero	Yes	David Ulibarri, Jr.	Yes

City Clerk Fresquez advised that the motion carried.

PUBLIC INPUT

None at this time.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo briefly reported that he appreciated the invitations from different organizations such as the Kiwanis Clubs and Rotary Club. He advised that he had also met with Highlands University in regards to the golf course, they were moving forward in coming up with plans and details were sketchy at this time so he would forgo the details for a later time.

COUNCILORS' REPORTS

Councilor Rodriquez had a question in regards to indoor dining and the capacity Covid restrictions for all businesses.

Mayor Trujillo advised the City was following the New Mexico Health Department color guidelines that could be found on their website and believed it was at 75% capacity for indoor dining.

Councilor Montoya stated that they had been notified by the New Mexico Regulations/Licensing Department in regards to creating an Ordinance in relation to Cannabis regulations and he recommended giving direction to City Attorney Aaron to begin working on an Ordinance.

Councilor Romero addressed some issues from calls he had received in regards to potholes being repaired inconsistently and recommended all potholes in the same area be filled at the same time. He made a recommendation of having the Police Chief look into an RFP in regards to "speed vans" and advised that the Caboose at

the South end of town was an eyesore and suggested that individuals could be housed there after sprucing it up.

Councilor Ulibarri, Jr. reported that he had also received calls regarding the pothole issue and the whole area not being repaired and was not sure if there was not enough material to finish those areas. He thanked the Streets department for their work in pothole maintenance although stated there were concerns of many potholes in Ward I.

Councilor Romero advised City Manager Taylor and Leo Maestas that another concern was monies funded from NMDOT were not being spent for the project in the Plaza area, as well as other projects and felt that needed to be addressed right away. He stated that it is a requirement that funding money be spent on the particular projects and he would not want to jeopardize funding for future projects.

Councilor Ulibarri, Jr. reported he had an issue earlier that day with a resident calling him about a water leak that had been leaking for 8 hours, and informed it was a 16 inch waterline break at the South end of town, losing a lot of drinking water. He advised he could not get a hold of the City Manager or Utilities Director although contacted Travis Hern who took care of the issue along with the water crew and thanked them for taking care of it right away.

CITY MANAGER'S REPORT

City Manager Taylor advised that his city manager report is directed toward the budget items and he will discuss them later in the meeting.

FINANCE REPORT

Finance Director Jesus Baquera presented the Finance Report for the month ending May 31, 2021 reporting General Fund revenue at 110%, expenditures at 77% and a surplus of 1.3 million. He reported that Recreation Department revenue at 82%, expenditures were at 76% and surplus of \$34,273. Enterprise funds revenue was at 90%, expenditures came in at 81% and surplus was \$443,000. Mr. Baquera advised that Lodgers Tax revenue was at 250%, expenditures were at 34% and surplus \$246,524.

Councilor Romero asked if they had followed up on getting a company to assess the issue of any third parties that owed the City money regarding airbnbs as requested previously.

Community Development Department Director Hendrickson advised that only gross receipts tax was being collected from third parties, not Lodgers Tax.

Discussion took place regarding the short term rentals and third party companies and the importance of collecting lodgers tax from third parties.

Mayor Trujillo asked Finance Director Baquera if there was anything in the Finance Report that the Governing Body should be aware of.

Mr. Baquera advised there was nothing of concern to report and that June's Gross Receipts Tax report looked promising.

BUSINESS ITEMS

1. Request approval to enter into a Professional Contract with Leo Maestas who was appointed City Manager at the June 9, 2021 council meeting.

Mayor Louie A. Trujillo advised that as per City of Las Vegas Municipal Charter, Article V, Officers, Directors and Employees, Section 5.01. The Governing Body shall enter into a contract with the City Manager which shall establish, among other matters, compensation, benefits, duties and responsibilities. He recommended moving on with a 2 year contract with Mr. Leo Maestas, stating that he felt stability was important to the community and to City employees.

Councilor Rodriguez asked if it was possible to look at a one year evaluation of performance and then based on that, the option to review for a second year and asked if it needed to be added to the contract.

Mayor Trujillo advised that if they would move forward with a two year contract, Mr. Maestas would be evaluated at one year and make that determination.

Discussion took place regarding possible progressive evaluation, terms of the City Manager contract and requirements of City Manager to be reviewed annually by Council.

City Clerk Casandra Fresquez advised that an election is coming up in 2022 and three of the four councilor positions are up for election. The Batement Act which is a state statute does not allow the Mayor and Council to bind a future Governing Body to an appointment that they have authority over. She advised that is why all officer's contracts were valid only until the next election in 2022 and officers would have to be reappointed by the elected Governing Body and they would determine the contract until the next election.

Councilor Montoya agreed with City Clerk Fresquez explanation regarding the Batement Act and the importance of any new governing body member having the opportunity to be a part of appointing officers during their term. He recommended that an evaluation be given at one year and that Bill Taylor stay on longer in order for a smooth transition.

Mayor Trujillo stated for the record, " we won't have two managers, we'll have one manager, as of tonight we'll have one city manager, Bill would stay on as an additional employee".

Lengthy discussion took place in regards to having two positions of City Manager.

City Attorney Aaron advised there was only one acting City Manager and Bill would stay on only as a consultant to Mr. Maestas.

Councilor Romero asked the professional opinion of City Attorney Aaron in regards to the City having the legal right to cancel his contract and give him a second contract.

City Attorney Aaron advised that he thought there was no time to give notice before the end of the month to cancel one and approve another and that he would be leaving on June 30th. He added that there was nothing in the Charter that prohibited two contracts running simultaneously.

Lengthy discussion continued regarding the term of the City Manager position and of the pros and cons of one or two year contracts.

Councilor Romero stated that he felt Mr. Maestas was going to stick around and he asked City Attorney Aaron for clarification to the public pertaining to the Council not needing any reasoning or anything to terminate the contract with the City Manager and asked his legal opinion if and when the contract would expire, could they come back and sue the City.

City Attorney Aaron advised the charter states the employee may be suspended or removed with or without cause for any reason or no reason at all, anytime by the Mayor subject to approval of the City Council or by majority vote of all members of the Governing Body and was in the contract. He reiterated and agreed with what City Clerk Fresquez stated regarding the Batement Act.

Councilor Rodriquez stated that she supported a one year contract due to the reasonable arguments discussed regarding the Batement Act and felt Mr. Maestas would do a good job and there should not be a problem renewing the contract.

Councilor Montoya made a motion to enter into a Professional Contract with Leo Maestas, starting on June 17th and the contract will run until the date of the Governing Body's Organizational meeting anticipated to be held in April or May 2022 or until termination pursuant to this contract, whichever comes first. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael Montoya	Yes	David Ulibarri, Jr.	Yes
Elaine Rodriquez	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero stated that Mr. Maestas would begin tomorrow and asked if all the paperwork from the H.R. Department had been taken care of.

City Manager Taylor advised that he believed a lot of it had been taken care of, he would have orientation on Monday and would have essential paperwork done

tomorrow. He assured the Council that he and Mr. Maestas would meet with Department Directors regarding projects already in progress.

2. Presentation and request for approval for the City's participation in the demolition of the building at the intersection of Bridge Street and Camino de las Escuelas.

Utilities Director Maria Gilvarry advised that benefits include addressing safety concerns with the building, ensuring room for a 24 foot wide roadway, improving visibility at that intersection and ADA compliance. If the demolition occurs in a timely manner, the city will be able to include roadwork on Camino de las Escuelas with the NMDOT Plaza/Bridge Street project.

Lengthy discussion and questions took place regarding the safety issues, homeless living in the dilapidated building, filming/bus/traffic issues, cost estimates for the property owner for demolition and the scope of work regarding street and sidewalks.

Councilor Montoya asked why it did not go through planning and zoning when the property was red tagged.

Utilities Director Gilvarry advised that it was due to the project being presented to her as an opportunity and she presented it to the City Manager. She stated that they were on an expedited schedule with the existing roadway that they were already working on.

Community Development Director Hendrickson stated that it was red tagged about a year ago.

Lengthy discussion and questions continued regarding the length and width of the street and sidewalk that would be needed to meet safety standards and also discussed the City's interest in buying the property.

Councilor Romero made a motion to approve the City's participation in the demolition of the building at the intersection of Bridge Street and Camino de las Escuelas with the condition that the road will not have a bottleneck and must pass engineer approval and fire and safety approval to ensure that the road will be

safe. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David Romero	Yes
Michael Montoya	Yes	David Ulibarri, Jr.	Yes

City Clerk Fresquez advised the motion carried.

Utilities Director Gilvarry clarified that if the property owner did not agree with the contract regarding omitting the bottleneck, the project would not take place.

BUDGET HEARING

Presentation and Discussion with City Manager, Finance Director and Department Directors on the Preliminary Fiscal Year 2021-2022 Budget.

Councilor Rodriquez asked “at this point do we ask detailed questions or do we just get an introductory to the budget and then dissect it more at the retreat”?

Mayor Trujillo stated the purpose was to conduct a hearing to ask those questions at this point and to have a preliminary clarification on the budget.

City Manager Taylor stated that a preliminary hearing was needed, that the budget would be submitted by the end of July and so it was important to emphasize it was a preliminary budget. He advised that changes would be made based on the discussion tonight and at the retreat.

City Manager Taylor presented a summary report regarding a balanced preliminary budget; Beginning cash balance at \$6.31 million, Ending adjusted balance at \$6.27 million. Anticipated general fund revenues plus transfers at \$12.7 million and expenditures at \$12.6 million.

City Manager Taylor reported on General Fund Reserves and Cash Balances with the ending balance at \$6.27 million and that DFA requires municipalities to keep at least one month of expenditure in reserve which would be a little over \$1 million. He advised that the city’s financial advisors recommended keeping at least (3 month reserve), \$3 million in reserve and given that there was a \$6.27 million

balance, the City would be able to spend roughly \$3 million from cash balances and still maintain the 3 month reserve target.

City Manager Taylor advised that the Finance Department used budgeted revenues from FY20 as the basis for estimating General Fund Revenues, and that the City's tax revenues had grown very slowly over the past five years. He reported a \$250, 000 increase in the Gross Receipts-Hold Harmless and reflected the anticipated shared revenue from internet sales. Overall, revenues were budgeted to grow by 3.7 percent over the FY 2020 base.

City Manager Taylor advised that the Finance Department used FY20 (a pre-COVID year) as a guide for estimating revenues expenditures and stated that expenditures were budgeted to increase by 2.7 percent over the 2020 level.

He gave a detailed report on the general fund departments' spending changes in the preliminary budget compared to expenditures budgeted in FY21.

Questions and brief discussion took place regarding the line item budget for the Mayor's Liaison, placing the PIO position under City Manager's line item.

Councilor Romero wanted to make known that any changes regarding the position of Human Resource Director or Manager needed to come before the Council and not be handled internally. He stated that the Organizational Chart should have been reviewed when working on the budget when creating positions.

City Manager Taylor stated that they could do that and put that in the context of the retreat, and the final budget and make that change at that time and continued with the detailed departmental report.

Councilor Rodriguez asked if the internet upgrade for the Council chambers was reflected in this budget and also the recent audit finding regarding safeguarding.

City Manager Taylor advised that the internet upgrade was not, although they could consider it as an allowable expense from the 3 million in balances. He informed that the Fire Suppression was being addressed and that the audit finding would be completed by the end of the fiscal year.

Councilor Rodriguez advised they've had discussions regarding bringing liveable wages to City employees and asked if that was progressively done through several years.

City Manager Taylor advised that was something they needed to consider and that this budget brought the City to meeting compliance as of July 1 instead of January 1st with the minimum wage increases and the adjustments needed. He stated he had discussions with the police department about some strategies for how they might be able to look at Police salaries and added that negotiations with unions would also have to take place.

Councilor Rodriguez emphasized that it would be for all City employees.

Councilor Romero asked, "reflective on this budget, is there any salary increases to Directors or Administrative staff"?

City Manager Taylor stated there were only increases negotiated with AFSCME union employees and the same given to city employees as well and those were reflected in this budget but no consideration was given to additional increases at this time. He advised they were getting a pay study done and would use that as a guide and stated that some directors needed to get compensated with increases because of their scope of duties and how it compares with similar positions in similar cities.

Councilor Romero advised that he had the chance to compare this year's and last year's budget, that the Mayor and Council approved and the City Manager has the authority to give raises as he feels needed although it must stay within the budget. He stated that he noticed there were some increases for the Police Department and did not remember Council allowing that. He advised that he was surprised with some increases, was not happy about some of them and did not know how that happened. He advised that these issues should be addressed at the retreat and he felt that Firefighters and Police Officers should be compensated accordingly and looked at, due to entry level positions making more than some of them.

Councilor Montoya advised that this preliminary budget was presented and approved at the June 14th Finance Committee meeting and that they had emphasized that the City should be using their bonding capacity for roads. They

recommended spending in other areas of need, such as equipment, abatement funding, sidewalk or park improvements within different wards and other City needs to improve the community. He advised that the committee particularly did not care for names to be included with employee salaries on the budget.

Discussion took place regarding names and salaries of state funded employees being open record to the public and the importance of being transparent to the public.

Councilor Romero stated that it was important to follow protocol, to stay on salary schedules and stay within the budget.

Mayor Trujillo advised that the intention of the retreat was also to discuss the use of the surplus of money as a body and also discuss bonding capacity.

City Manager Taylor advised that they recommended that Directors provide a list to discuss at the retreat, in regards to spending of monies.

Mayor Trujillo stated a clarification for the record, "sidewalks are the responsibility in the residential areas of the resident, the only sidewalks that we have are the ones that are in public shopping districts".

City Manager Taylor advised that it had been discussed with City Attorney Aaron, that there would be an anti-donation issue since our ordinance makes the current responsibility of the resident.

Councilor Montoya advised that wherever there were no sidewalks was the responsibility of the City, such as 8th Street extension. He stated that after installation by the City, the owner would be responsible for it and with developers doing the installations, they would be in charge of it. Councilor Montoya advised that there were many areas in our community that needed sidewalks and also areas that needed to meet ADA compliance and these recommendations would be part of his list.

Councilor Rodriguez recommended that they revisit that ordinance, because Cities usually do not put that responsibility on the resident, they do not have the means

for repair and it should be the responsibility of the City. She added that there should be a fund to allocate money for sidewalk repair.

Councilor Romero had a concern regarding a name on the budget for the PIO position, he asked if they had applied for the position, were they already hired and when would they start?

City Manager Taylor stated that it was a mistake, that they had not applied and had discussions with that person and thought they were going to apply. He advised that it was premature to put their name in there and it was not someone that was under consideration.

Mayor Trujillo thanked all the Department Directors for attending the meeting.

EXECUTIVE SESSION

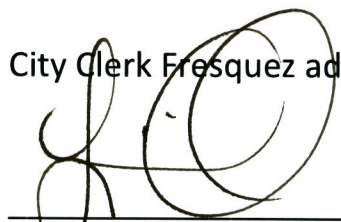
None at this time.

ADJOURN

Councilor Ulibarri, Jr. made a motion to adjourn. Councilor Rodriguez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael Montoya	Yes	David Ulibarri, Jr.	Yes
Elaine Rodriguez	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.



Mayor Louie A. Trujillo

ATTEST:



Casandra Fresquez, City Clerk